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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/095,390	06/10/98	FERNANDEZ D	FERN-P003

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EXAMINER	
BAHGI,H	

ART UNIT	PAPER NUMBER
2711	4

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/095,390	Applicant(s) Fernandez et al.
	Examiner Habte Bahgi	Group Art Unit 2711

☒ Responsive to communication(s) filed on *Dec 16, 1998* .

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-10* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-10* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US Pat. 5,600,364) in view of Flohr et al. (US Pat. 5,534,914).

Regarding claims 1 and 6, Hendricks shows the network controller 214 as part of a digital cable headend 208 operating in an expanded cable television program delivery system and a set top terminals 220 located in each subscriber's home to operate in the system 200 (See Fig. 4). Furthermore, Hendricks teaches that the Program Overlay Menus are displayed concurrently with the program selected by the subscriber and are small enough on the screen to allow the subscriber to continue viewing the selected program comfortably (See column 14, lines 43-47). Considering the "digital television receiver", it would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve the quality of the transmitted audio video by using digital techniques for the known benefit of providing better quality images and sound.

However, Hendricks fails to show that the conference comprising a video conference session being conducted between such coupled DTV receivers, each DTV receiver comprising

video camera and display belonging to a logical group, the conference being enabled within the logical group simultaneously with the program delivery to the selected subscribers of the logical group, whereby collaboration is effectively enabled by video conferencing among the selected subscribers while a common program is delivered simultaneously to such selected subscribers.

Flohr shows a videoconferencing system where each computer workstation 10 has an attached unit 11 comprising a video camera, microphone and a loudspeaker (See Fig.1). Each workstation, PC 2...PC X, has stored therein a software program for generating and receiving data messages, transmitted via the A-LAN, to and from another workstation, respectively, for initiating and terminating a videoconference (See column 8, lines 52-56). Furthermore, Flohr teaches a broadband local area network (B-LAN) is connected to the second port 14 of each workstation for transmitting and receiving television signals between selected ones of the workstations (See column 8, lines 38-41). Regarding the claimed limitation "logical group", this simply reads on a communication between the workstation of users that wish to communicate by Flohr. Considering the limitation of a common program delivered simultaneously is taught by Flohr as the data messages initiate and control the transmission of the television signals on the B-LAN such that a number of television signals can be, and are transmitted simultaneously on the B-LAN with each television signal assigned to a separate frequency channel (See column 8, lines 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the text based program delivery of Hendricks by using visual type

of messaging as taught by Flohr in order to allow the user to respond to messages in an enhanced, interactive manner.

Regarding claim 2, sending a billing message to the receivers according to program viewing or conferencing activity, a billing message representing a charge for simultaneous program delivery and video conferencing service is taught by Hendricks as a set top terminal 220 which may also store text transmitted from the cable headend 208 or the operation center 202. The text may inform the subscriber about upcoming events, "billing and account status", new subscriptions, or other relevant information (See column 12, line 65 to column 13, line 2).

Regarding claim 3, providing to one or more coupled receivers a personalized commercial message, the personalized commercial message being provided to the selected subscribers belonging to the logical group during the video conferencing session is met by Hendricks (See column 13, line 63 to column 14, line 3).

Regarding claim 4, a controller for coordinating simultaneous program delivery and video conferencing among the selected subscribers is taught by Flohr since a broadband local area network (B-LAN) is connected to the second port 14 of each workstation for transmitting and receiving television signals between selected ones of the workstations (See column 8, lines 38-41). Flohr teaches each workstation, PC 2...PC X, has stored therein a software program for generating and receiving data messages, transmitted via the A-LAN, to and from another workstation, respectively, for initiating and terminating a videoconference. The data messages initiate and control the transmission of the television signals on the B-LAN such that a number of

television signals can be, and are transmitted simultaneously on the B-LAN with each television signal assigned to a separate frequency channel (See column 8, lines 52-60).

Regarding claim 5, adding or removing a DTV receiver during program delivery, thereby dynamically modifying an active set of the selected subscribers belonging to the logical group for simultaneous video conferencing and common program delivery is met by Flohr (See column 15, lines 33-39).

Regarding claim 7, each DTV receiver comprises a processor for coordinating simultaneous program delivery and videoconferencing among selected subscribers merely reads on Flohr as all functions of the unit are controlled and coordinated by a central processing unit 262 which executes software stored in memory 264 (See column 19, lines 43-46).

Regarding claim 8, Flohr discloses a videoconferencing system a PC workstation 10, unit 11 comprising a video camera, microphone and loudspeaker and a television circuit board 24 (See Fig. 1). It follows from the discussion with respect to claim 7, that the combination of Hendricks in view of Flohr would have provided a combined program/ video conferencing display. Inherently, some means would have been provided that would integrate the two types of video together for a combined presentation. The use of a frame buffer to perform such a function would have been well known and desirable. Therefore, it would have been obvious to one of ordinary skill in the art to apply a frame buffer as called for in claim 8 in order to integrate the program and video conferencing arrangement in Hendricks on view of Flohr as discussed with respect to claim 1.

Regarding claim 9, the claimed apparatus elements which parallel the method steps mentioned above in rejection of claims 4 and 5, are likewise rejected.

Regarding claim 10, the interface receives a billing message representing a charge merely reads on Hendricks as set top terminal 220 may also store text transmitted from the cable headend 208 or the operations center 202. The text may inform the subscriber about upcoming events, billing and account status, new subscriptions, or other relevant information (See column 12, line 65 to column 13, line 2).

Response to Amendment

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments on pages 9-12, Hendricks clearly discloses a personal message delivery to selected user's set top box (See column 14, lines 1-5). Therefore, Hendricks does provide a system where a user can send personal messages to another such user thereby providing for communication between users of the system in the form of "messages". Flohr was cited to provide support to the contention that video conferencing was well known in the art at the time of applicant's invention. Video conferencing clearly is an enhanced two way message service where users can communicate "visually" instead of merely with "written" type of

messages. Replacing the simple user messaging system of Hendricks with the enhanced messaging system (video conferencing) of Flohr would have enabled users in the Hendricks system to communicate "visually" in addition to the text-type of communication in Hendricks and would clearly have been a desirable improvement in the art. The substitution is merely one of a well known enhanced video message service for a text-type message service and would have been obvious to one of ordinary skill in the art to implement.

Applicant's arguments regarding the receivers being in a "logical group" are noted. This language as presently recited in claim 1 is broad enough to read on any two users in the Hendricks in view of Flohr system communicating with one another since they certainly comprise the "logical group" of users that wish to communicate.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Bahgi whose telephone number is (703) 308-8208. The examiner can normally be reached on Monday-Friday from 8:30A.M. to 6:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-9000.

HB: hb
2/12/99

ANDREW I. FAILE
SUPERVISORY PATENT EXAMINER
GROUP 2700